

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT WEST FARGO PUBLIC WORKS
WEST FARGO, NORTH DAKOTA
DECEMBER 12, 2023

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on December 12, 2023, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Alexa Ducioame, Brady Woodard, Levi Hanson and Erik Gilbertson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jody Bertrand, Jim Hausauer, Donald Kress and Alayna Espeseth, City of Fargo; and Joel Luing, City of Horace.

Approval of agenda

It was moved by Manager Steen, seconded by Manager Branson and unanimously carried to approve the order of the agenda, as amended.

Minutes

It was moved by Manager Branson, seconded by Manager Steen and unanimously carried to approve the minutes of the November 14, 2023, meeting.

Sheyenne-Maple Flood Control Project #2 – sediment collection sites – Metro Flood Diversion Project properties

Potential sites for sediment collection near Sheyenne-Maple Flood Control District #2 were discussed. Discussion will be held with the Cass County Joint Water Resource District (CCJWRD) and the Metro Flood Diversion Authority at the next CCJWRD meeting regarding availability of Metro Flood Diversion Project properties near Sheyenne-Maple Flood Control Project #2 that could potentially be purchased by the Water Resource District to be used as a sediment collection site.

Sheyenne-Maple Flood Control Project #2 – Metro Flood Diversion Project / Cass Rural Water Users District easement

Sean Fredricks indicated Cass Rural Water Users District is installing a water line regarding the Metro Flood Diversion Project. The Corps of Engineers has approved installation of the water line along Sheyenne-Maple Flood Control Project #2. Cass Rural Water Users District is currently completing a survey to attach as an exhibit to an Easement regarding the water line. Discussion on the matter will continue at a future meeting.

Proposed sanitary sewer for Commerce on I-29

Mr. Fredricks updated the Board on the proposed sanitary sewer project for Commerce on I-29. Not all property owners have signed the Agreement between the property owners and the City of Fargo. The parties are discussing a possible three-party agreement between the Water Resource District, the City of Fargo and the Commerce on I-29 property owner's association. Jim Hausauer noted the parties are still working on drafting the Agreement. Erik Gilbertson said the representative of the Commerce on I-29 property owner's association is now requesting to proceed with formation of the assessment district for the project which requires a vote of the property owners, as not all property owners are willing to sign the Agreement with the City of Fargo. The Board discussed requiring a Petition and Bond for the project; Mr. Gilbertson noted the Commerce on I-29 property owner's association has indicated they are open to submitting a Petition and Bond for the project.

A motion was made by Manager Branson and seconded by Manager Steen to require a Petition and Bond in the amount of \$75,000 from the property owners for the proposed sanitary sewer project for Commerce on I-29 and authorize the Water Resource District Attorney and Engineer to prepare the Petition and Bond documents. Upon roll call vote, the motion carried unanimously.

Drain #10 – Sysco North Dakota, Inc. encroachment north of 12th Avenue N and concrete channel liner repair between approximately 4th Avenue N to north of 12th Avenue N

Alexa Ducioame briefly reviewed the design of the Drain #10 channel bottom north of 12th Avenue N in the area of the Sysco North Dakota, Inc. encroachment. Mr. Fredricks reported on right of way and associated property exchanges regarding the project. Once the project plans are completed, a state permit is received and right of way acquired, the project can be bid.

Drain #10 – outlet structure

Brady Woodard said there is a structure located at the outlet of Drain #10 to help prevent channel bottom erosion. There are 2 weep holes incorporated into the outlet structure to help low water drain. The City of Fargo indicated the water is not draining fast enough, and ice is forming in the channel. To remedy the issue, the outlet structure could be cut to connect the two weep holes in the structure, allowing low water to drain quicker. Moore Engineering, Inc. obtained an estimate from a contractor of \$10,000 to complete the project. The project would assist the City of Fargo in maintenance of the facility.

A motion was made by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to hire a contractor to cut and remove material from the Drain #10 outlet structure to allow quicker drainage of low water in the Drain #10 channel, not to exceed \$10,000. Upon roll call vote, the motion carried unanimously.

Drain #21C – broken flap gate in Section 35 of Warren Township

Mr. Woodard reported the Drain #21C broken flap gate in Section 35 of Warren Township has been repaired.

Drain #21 – slides between 12th and 19th Avenues NW - outlet improvements

Ms. Ducioame discussed *Change Order 1* from Braun Intertec Corporation to add a geotechnical study for Drain #21 channel improvements from north of 19th Avenue NW to the outlet with the geotechnical study of multiple Drain #21 slides between 12th and 19th Avenues NW. The cost of the additional work is \$32,986, bringing the total cost of the study to \$93,372. Ms. Ducioame noted the price reflects the numerous slides in the study area. If approved, Braun Intertec Corporation plans to complete the drilling for the study in February 2024 with a report anticipated to be received in March 2024, depending on weather conditions.

A motion was made by Manager Branson and seconded by Manager Steen to approve *Change Order 1* with Braun Intertec Corporation in the amount of \$93,372 for a geotechnical study for Drain #21 channel improvements from 12th Avenue NW to the outlet. Upon roll call vote, the motion carried unanimously.

Drain #27 – slides west of I-29 and west of 45th Street S

Ms. Ducioame updated the Board on the Drain #27 slide repairs west of I-29 and west of 45th Street S. Moore Engineering, Inc. continues to prepare plans with geotechnical assistance from Braun Intertec Corporation. Construction is anticipated to occur in the summer of 2024.

Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S)

Levi Hanson updated the Board on the status of right of way acquisition regarding the Drain #27 Improvement Project No. 2023-01 from 64th Avenue S to 100th Avenue S. The Board directed Mr. Hanson to continue right of way negotiations with property owners regarding the project.

A motion was made by Manager Steen and seconded by Manager Branson to approve the *Purchase Agreement* with Keith and Linda Zeuschel regarding the Drain #27 Improvement Project No. 2023-01 from 64th Avenue S to 100th Avenue S. Upon roll call vote, the motion carried unanimously.

2024 drain reassessments

Brief discussion was held on the potential reassessment of Drains #21, #40, #45, #60, SC-2 (Drains #27 and #53), Sheyenne-Maple Flood Control District #1 and Sheyenne-Maple Flood Control District #2 in 2024.

It was moved by Manager Branson and second Manager Steen to authorize Moore Engineering, Inc. to begin the process for the 2024 reassessments of Drains #21, #40, #45, #60, SC-2 (Drains #27 and #53), Sheyenne-Maple Flood Control District #1 and

Sheyenne-Maple Flood Control District #2. Upon roll call vote, the motion carried unanimously.

Items for approval, with input provided by the Water Resource District Engineer

A motion was made by Manager Steen and seconded by Manager Branson to approve the following, with input from the Water Resource District Engineer:

- *Utility Permit* for WBI Energy Transmission to install a natural gas pipeline under Drain #35 in the NE 1/4 of Section 9 in Normanna Township
- *Utility Permit* for WBI Energy Transmission to install a natural gas pipeline under Drain #60 in the SE 1/4 of Section 27 in Normanna Township
- *Utility Permit* for Consolidated Communications Enterprise Services, Inc. to install fiber optic cable to replace damaged cable under Drain #27 on the east side of the west I-29 frontage road (38th Street S)

Upon roll call vote, the motion carried unanimously.

Items for review and comment, with input provided by the Water Resource District Engineer

Donald Kress went through the Fargo Department of Planning and Development January Preliminary Packet. Mr. Kress then discussed North Pointe Industrial Addition located on the west side of Drain #45. Drain #45 property between 19th and 28th Avenues N will be included in the Annexation Plat regarding North Pointe Industrial Addition. Mr. Kress noted the City of West Fargo has also been asked to join the Annexation Plat related to a lift station for the Addition.

Brief discussion was held on the Buchholz Addition regarding Drain #40. The developer will need to sign the *Permanent Drain Easement* regarding Drain #40 with the document number recorded on the Buchholz Addition plat before the City of Fargo will proceed with consideration of the plat.

Discussion was next held on Interstate Business District Addition regarding Drain #40. Mr. Kress indicated the Interstate Business District Addition Plat was denied by the Fargo City Commission in September, however the developer can reapply after three months. The developer plans to revise their plans regarding the Addition and reapply.

Mr. Kress thanked Carol Harbeke Lewis for her work and coordination with the City of Fargo over the last 40 years as she is retiring at the end of the year.

Joel Luing discussed the upcoming Sparks Addition and El Dorado Addition in the City of Horace. The developer will need to obtain Utility Permits from the Water Resource District for stormwater outfalls regarding Drain #27. Coordination with the Water Resource District will also be needed regarding Drain #27 setbacks and easements. Mr. Luing also noted the City of Horace is receiving petitions to pave 81st Street S regarding Sheyenne-Maple Flood Control Project #2. The City of Horace will reach out to the Water Resource District regarding the matter soon. There are numerous construction projects planned for next year in the City of Horace. Brief discussion was held on the construction of Wall

Avenue regarding Sheyenne-Maple Flood Control Project #2. Mr. Luig will continue to coordinate with the Water Resource District regarding projects in the City of Horace that impact Water Resource District facilities.

It was moved by Manager Steen and seconded by Manager Branson to authorize the Secretary-Treasurer to submit comments on the following, with input from the Water Resource District Engineer:

- Fargo Department of Planning and Development January Preliminary Packet
- Cass County Planning
 - Richard Farm Site Subdivision

Upon roll call vote, the motion carried unanimously.

Year-end issues

It was moved by Manager Branson and seconded by Manager Steen to:

- Authorize the Secretary-Treasurer to make any minor year-end transfers to balance the Southeast Cass Water Resource District 2023 budget;
- Authorize the Secretary-Treasurer to make transfers to and from obligated funds, if necessary; and
- Authorize the Secretary-Treasurer to amend the Southeast Cass Water Resource District 2023 budget.

Upon roll call vote, the motion carried unanimously.

Set regular meeting dates for 2024

The Board discussed its regular meeting dates for the year 2024. It was moved by Manager Steen and seconded by Manager Branson to adopt the following Resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Southeast Cass Water Resource District does hereby set the second Tuesday of January and February at 8:30 a.m. at West Fargo Public Works, 810 12th Avenue NW, West Fargo, North Dakota, and the second Tuesday of March through December at 8:30 a.m. at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, time and places for the year 2024.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

Keith Weston
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary

Bills

It was moved by Manager Branson and seconded by Manager Steen to approve payment of Check #15295, the wire transfers and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Weston, Branson and Steen. The Chairman declared the motion passed.

Sheyenne-Maple Flood Control Project #2 – assessment on parcel 02-3000-01240-012 for West Fargo Improvement District No. 02-2250 – property disposal options

Mr. Woodard reported he followed up with City of West Fargo staff about property disposal options related to parcel 02-3000-01240-012 regarding Sheyenne-Maple Flood Control Project #2. The City of West Fargo has indicated they are willing to take ownership of parcel 02-3000-01240-012. Potential sites for sediment collection near Sheyenne-Maple Flood Control District #2 were discussed. Discussion will be held with the CCJWRD and the Metro Flood Diversion Authority at the next CCJWRD meeting regarding availability of Metro Flood Diversion Project properties near Sheyenne-Maple Flood Control Project #2 that could potentially be purchased by the Water Resource District to be used as a replacement sediment collection site.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Steen, seconded by Manager Branson and unanimously carried to adjourn the meeting.

APPROVED:

Keith Weston
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary